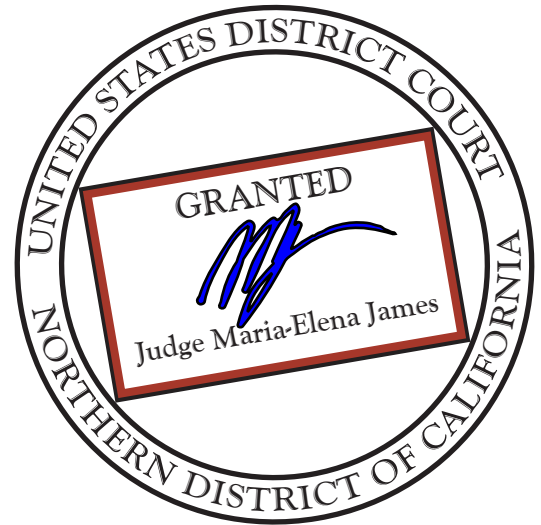


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Attorney for Plaintiff,  
 Axel Braun



**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

AXEL BRAUN,

Plaintiff,

vs.

PRIMARY DISTRIBUTOR DOE  
 NUMBER 1 and DEFENDANT  
 DOES 2 through 38,

Defendants.

**Case No.: 12-5786 MEJ**

And related cases: 12-5812 MEJ

12-5813 MEJ

12-5814 MEJ

**STATUS REPORT**

Plaintiff provides this Status Report at the direction of the Court.

Plaintiff requested leave to take early discovery in order to identify the Internet subscribers whose accounts the Doe Defendants in these matters used to access the Internet and engage in the alleged infringing activity. Dkt. No. 6. The Court granted Plaintiff's request (Dkt. No.10) , and Plaintiff subpoenaed a number of Internet Service providers (ISPs).

1 Because there was no indication that any Defendants had been served, the Court  
2 vacated the Case Management Conference scheduled for February 14, 2013 and  
3 directed Plaintiff to file a status report by February 21, 2013. Dkt. No. 11.

#### 4 **REPORT**

5 Plaintiff served third party subpoenas on the following ISPs on or around  
6 January 8, 2013:

7 Astound Broadband  
8 Charter Communications  
9 Covad Communications  
10 Curtel  
11 DataFrame Logistics  
12 Digital Path  
13 DSL Extreme  
14 Ericson Network Systems  
15 Extel Wireless  
16 Frontier Communications  
17 ICO Networks / Got Net  
18 Internet Express  
19 Level 3 Communications  
20 Mpower  
21 Nobis  
22 OC3 Networks / Web Solutions  
23 Reliable Hosting  
24 SBC Internet Services  
25 South Valley Internet  
26 Sprint PCS  
27 SureWest Broadband  
28 Unwired

1 Verizon Internet Services  
 2 Wave Broadband  
 3 Wayport  
 4 WebNX  
 5 XO Communications and  
 6 Ygnition Networks

7 In order to give the ISPs the opportunity to comply with the Court's directions in  
 8 the Order allowing allowing ISPs 20 days to notify subscribers, 30 days for the  
 9 subscribers to file objections, and 14 days for the ISPs to produce responsive  
 10 information, Plaintiff set March 18, 2012 as the date for production. Plaintiff's counsel  
 11 notes that in his experience, ISPs often take even longer to respond.

12 Once Plaintiff receives the information, Counsel will send a letter in an attempt  
 13 to further investigate or settle claims. Generally, counsel follows up with two  
 14 additional letters, generally about two weeks apart. At that time, Plaintiff will seek to  
 15 amend the Complaint to name individual defendants. Although this is a long process,  
 16 it gives potential defendants the maximum opportunity to resolve claims whether by  
 17 settlement or through additional investigation that in some cases leads to voluntary  
 18 dismissals.

19 Plaintiff therefore respectfully requests that the next case management  
 20 conference be set for sometime after May 15, 2013.

21 Respectfully Submitted,

22 Dated: 2/20/2013

/s/ D. Gill Sperlein

Counsel for plaintiff

24 IT IS HEREBY ORDERED that a joint or individual case management statement shall be filed by  
 25 May 16, 2013. The Court shall conduct a case management conference on May 23, 2013 at 10:00  
 26 a.m. in Courtroom B. Sanctions may be imposed for failure to comply.

27 Dated: February 22, 2013